



RESOLUTION

TO RETAIN THE LAW OFFICE OF MCCORRISTON MILLER MUKAI MACKINNON LLP TO PROVIDE LEGAL SERVICES AS SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU ON BEHALF OF DEFENDANT KEITH M. KANESHIRO IN A LEGAL ACTION ENTITLED TRACY YOSHIMURA V. KEITH M. KANESHIRO, S.P. NO. 18-1-0465-JPC

WHEREAS, Keith M. Kaneshiro, Prosecuting Attorney of the City and County of Honolulu ("Keith M. Kaneshiro"), is named as a respondent in a petition for impeachment entitled Tracy Yoshimura v. Keith M. Kaneshiro, S.P. No. 18-1-0465-JPC ("Petition"); and

WHEREAS, the Petition seeks impeachment of Keith M. Kaneshiro as the Prosecuting Attorney pursuant to the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("RCH") Section 12-203 for malfeasance, misfeasance or non-feasance in office; and

WHEREAS, pursuant to RCH Section 5-203, "[t]he corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council and all officers and employees in matters relating to their official powers and duties"; and

WHEREAS, the Department of the Corporation Counsel currently represents the City and County of Honolulu ("City") in a civil lawsuit filed on January 26, 2018 by Tracy Yoshimura against Keith M. Kaneshiro entitled Tracy T. Yoshimura et al. v. Keith M. Kaneshiro, individual and in his capacity as the Prosecuting Attorney of the City and County of Honolulu et al., Civil No. 18-0038 LIK-KJM ("Lawsuit"); and

WHEREAS, as a result of the determination by the Department of the Corporation Counsel that there was a non-waivable conflict of interest that would preclude it from simultaneously representing both the City and Keith M. Kaneshiro in the Lawsuit, the City Council adopted Resolution 18-111 on June 6, 2018 to authorize the appointment and retention of McCorriston Miller Mukai MacKinnon LLP as Special Counsel to represent Keith M. Kaneshiro in the defense of, and any appellate proceedings arising out of, the Lawsuit; and

WHEREAS, the Department of the Corporation Counsel has determined that there is also a non-waivable conflict of interest that would preclude it from simultaneously representing both the City and Keith M. Kaneshiro in the Petition; and



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WHEREAS, pursuant to RCH Section 5-204, "[w]here the corporation counsel has been disqualified, special counsel may be retained by any officer or employee in matters relating to the official powers and duties of such officer or employee"; and

WHEREAS, based upon the foregoing, it is necessary to appoint and retain Special Counsel to represent and defend Keith M. Kaneshiro in the Petition; and

WHEREAS, McCorriston Miller Mukai MacKinnon LLP possesses the specialized legal knowledge and expertise to defend Keith M. Kaneshiro as Special Counsel in the Petition as well as in the Lawsuit; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that:

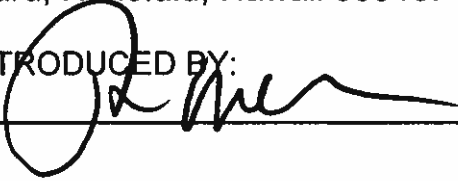
1. Pursuant to RCH Section 5-204, the City Council authorizes the appointment and retention of McCorriston Miller Mukai MacKinnon LLP as Special Counsel to represent Keith M. Kaneshiro in the defense of, and any appellate proceedings arising out of, the above-referenced Petition; and
2. The total sum to be expended to pay Special Counsel shall not exceed Seventy-Five Thousand Dollars (\$75,000.00), but this amount may be increased by the Council if it is satisfied with the justification made upon the recommendation of the Corporation Counsel for an increase in the stated maximum amount; and
3. Special Counsel may be paid monthly for its services, provided that it submits to the Department of the Corporation Counsel an itemized monthly statement reflecting the specific services rendered, together with the total number of hours billed for the specific services at one-tenth of an hour, and the Department of the Corporation Counsel reviews and approves the statements before any payments may be made by the City; and
4. The Director of Budget and Fiscal Services is authorized to execute a contract with McCorriston Miller Mukai MacKinnon LLP for the legal representation of Keith M. Kaneshiro in the above-referenced Petition; and



RESOLUTION

BE IT FINALLY RESOLVED by the Council that the Clerk be and is hereby directed to transmit copies of this Resolution to the Department of the Corporation Counsel and McCorriston Miller Mukai MacKinnon LLP, 5 Waterfront Plaza, 4th Floor, 500 Ala Moana Boulevard, Honolulu, Hawaii 96813.

INTRODUCED BY:

 (b)

DATE OF INTRODUCTION:

FEB 6 2019

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 19-22

Introduced: 02/06/19 By: RON MENOR – BY REQUEST Committee: EXECUTIVE MATTERS
AND LEGAL AFFAIRS

Title: RESOLUTION TO RETAIN THE LAW OFFICE OF MCCORRISTON MILLER MUKAI MACKINNON LLP TO PROVIDE
LEGAL SERVICES AS SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU ON BEHALF OF DEFENDANT
KEITH M. KANESHIRO IN A LEGAL ACTION ENTITLED TRACY YOSHIMURA V. KEITH M. KANESHIRO,
S.P. NO. 18-1-0465-JPC

Voting Legend: * = Aye w/Reservations

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| 02/05/19 | EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION) | CR-31 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. |
| 02/13/19 | COUNCIL | CR-31 AND RESOLUTION 19-22 WERE CANCELLED AND NOT CONSIDERED. |
| 03/08/19 | COUNCIL | CR-31 AND RESOLUTION 19-22 WERE ADOPTED. 5 AYES: ELEFANTE*, FORMBY*, FUKUNAGA, KOBAYASHI, MANAHAN*. 2 NOES: PINE, TSUNEYOSHI. 2 ABSENT: ANDERSON, MENOR. |

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



ANN H. KOBAYASHI, INTERIM CHAIR AND PRESIDING OFFICER